

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION**

CHRISTINE VEZINA	:	DOCKET NO. 05-0766
VS.	:	JUDGE MINALDI
JO ANNE B. BARNHART, COMMISSIONER OF SOCIAL SECURITY	:	MAGISTRATE JUDGE WILSON

REPORT AND RECOMMENDATION

Presently before the court is Plaintiff's Motion for Attorney Fees Pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412 (EAJA). [doc. # 11]. This matter has been referred to the undersigned magistrate judge for a report and recommendation pursuant to 28 U.S.C. §636(b)(1)(B).

On defendant's motion, this matter was reversed and remanded pursuant to the fourth sentence of 42 U.S.C. §405(g). Consequently, Plaintiff qualifies as a prevailing party. Plaintiff seeks attorney fees of \$ 1,487.50 (11.9 hours at \$ 125/hour), plus paralegal fees of \$ 522.50 (9.5 hours at \$ 55/hour), for a total award of \$ 2,010.00. The Commissioner does not oppose the application.

Considering the lack of opposition, and after review of the record, this court concludes that the number of hours claimed is reasonable.

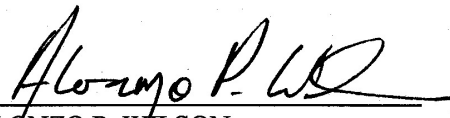
Accordingly, it is RECOMMENDED that Plaintiff's application for attorney's fees be granted, and that the amount be fixed at \$ 2,010.00.

Under the provisions of 28 U.S.C. §636(b)(1)(C), the parties have ten (10) business days

from receipt of this Report and Recommendation to file any objections with the Clerk of Court. Timely objections will be considered by the district judge prior to a final ruling.

FAILURE TO FILE WRITTEN OBJECTIONS TO THE PROPOSED FINDINGS AND RECOMMENDATIONS CONTAINED IN THIS REPORT WITHIN TEN (10) BUSINESS DAYS FROM THE DATE OF ITS SERVICE SHALL BAR AN AGGRIEVED PARTY FROM ATTACKING ON APPEAL, EXCEPT UPON GROUNDS OF PLAIN ERROR, THE UNOBJECTED-TO PROPOSED FACTUAL FINDINGS AND LEGAL CONCLUSIONS ACCEPTED BY THE DISTRICT COURT.

THUS DONE AND SIGNED in Chambers at Lake Charles, Louisiana, this 2nd day of February, 2006.


ALONZO P. WILSON
UNITED STATES MAGISTRATE JUDGE